

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CLIFTON GIBBON,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant. 07 CV 6698 (NRB)

**DECLARATION OF  
ASSISTANT CORPORATION  
COUNSEL JASON  
FRIEDMAN IN SUPPORT OF  
DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT**

**JASON FRIEDMAN** declares, under penalty of perjury and pursuant to 28

U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendant, the City of New York, ("defendant") in the above-captioned action.

2. This declaration is based on the books and records of defendant, as well as the transcript of plaintiff's deposition taken in this case. I submit this declaration in support of defendant's motion for summary judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure.

3. Annexed hereto as Exhibits A through Q are true and correct copies of documents from the books and records of defendant kept in the ordinary course of defendant's business, as well a copy of portions of the transcript of the deposition taken of the plaintiff, Clifton Gibbon ("plaintiff"), in this action, which are relied upon and cited in defendant's Local Civil Rule 56.1 Statement of Undisputed Material Facts and Defendant's Memorandum of Law, submitted herewith in support of defendant's motion. These documents are as follows:

A. A copy of portions of the transcript of plaintiff's deposition, taken on January 8, 2008, is annexed hereto as Exhibit A.

B. A copy of plaintiff's Seasonal Assistant City Highway Repairer ("ACHR") Appointment Form, is annexed hereto as Exhibit B.

C. Plaintiff's NYC Payroll Management System Employee Description and Record Change History Screen Printouts, are annexed hereto as Exhibit C.

D. A copy of the Seasonal ACHR memorandum of Agreement is annexed hereto as Exhibit D.

E. A copy of the NYC Department of Citywide Administrative Services ("DCAS") Job Specifications for the ACHR title, is annexed hereto as Exhibit E.

F. A copy of New York City Department of Transportation ("NYCDOT") Drug Testing Policy, is annexed hereto as Exhibit F.

G. A copy of plaintiff's acknowledgment of receipt for the NYCDOT drug testing policy, is annexed hereto as Exhibit G.

H. A copy of the May 14, 2008 Declaration of Rhay Sumler in support of defendant's motion for summary judgment is annexed hereto as Exhibit H.

I. A copy of plaintiff's examination and urine test results from Westchester Medical Care center, is annexed hereto as Exhibit I.

J. A copy of Dr. Altholz February 24, 2006 letter is annexed hereto as Exhibit J.

K. A copy of Jean Frankowski's March 10, 2006 letter is annexed hereto as Exhibit K.

L. A copy of Dr. Bharara's March 8, 2006 note is annexed hereto as Exhibit L.

M. A copy of Dr. Bharara's March 22, 2006 note is annexed hereto as Exhibit M.

N. A copy of Dr. Altholz' March 23, 2006 letter is annexed hereto as Exhibit N.

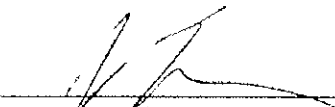
O. A copy of Jean Frankowski's March 31, 2006 letter is annexed hereto as Exhibit O.

P. A copy of Dr. Corujo's, June 16, 2006, medical report is annexed hereto as Exhibit P.

Q. A copy of plaintiff's Complaint in this action, filed July 25, 2007, is annexed hereto as Exhibit Q.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York  
May 14, 2008

  
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Jason Friedman  
Assistant Corporation Counsel  
jfriedma@law.nyc.gov